

REMARKS

Claims 1-14 are all the claims pending in the application. By this Amendment, Applicants amend claim 3 to merely cure a minor informality. Since the amendment does not raise any new issues, Applicants respectfully request the Examiner to enter the amendment.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 5-6, and 8-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,977,654 to Johnson et al. (hereinafter “Johnson”) in view of U.S. Patent No. 6,876,292 to Onuma et al (hereinafter “Onuma”). For *at least* the following reasons, Applicants respectfully traverse the rejection.

Claim 1

Applicants respectfully submit claim 1 is patentable over the references. For example, claim 1 recites a burglarproof device for a vehicle comprising, *inter alia*, an activation unit for the vehicle which receives a first ID code from a portable transmitter and collates the first ID code *with a prestored second ID code*, such that a locked state of a vehicle operation device for the vehicle is released when the activation unit receives the first ID code; and an engine operation restraining unit which disables an engine operation based on a signal from the activation unit, wherein the signal from the activation unit is sent *after the vehicle device has been released in response to the receipt of the first ID code by the activation unit*. The Examiner contends that the control portion 28 of the anti-theft system 26 in Johnson discloses the activation unit and the engine operation restraining unit as set forth in claim 1 (*see* Johnson: figures 1 and 2). Although the Examiner admits that Johnson does not disclose that the signal from the activation unit is sent *after the vehicle device has been released in response to the receipt of the first ID code by the activation unit*, the Examiner relies on Onuma for this feature.

Specifically, the Examiner alleges that the transmission of a door unlock ID prior to the transmission of a starting engine ID code by a wireless electronic key 20 discloses this above-noted feature. Moreover, the Examiner contends that a skilled artisan would be motivated to incorporate the teachings of Onuma into the anti-theft system of Johnson to enhance the security of burglar prevention (Office Action, page 4, lines 1-2). Applicants respectfully submit that the Examiner is misinterpreting and/or misapplying the teachings of the references.

As an initial matter, since Johnson and Onuma each have their own individual methodologies to provide security for vehicles, the considerations for reaction timing and unauthorized access have already been accounted for. As such, a skilled artisan would not be motivated to combine the teachings of Johnson and Onuma.

For instance, Onuma is directed to improving an electronic key system for a vehicle which executes a door unlocking function based on a comparison result between a first ID code received from a portable electronic key and a registered ID code in the system, and subsequently executes an engine starting function based on a comparison result between a second ID code received from a portable electronic key and another registered ID code in the system. Onuma's invention improves the above system by requiring *only a part of the second ID (compact second ID)* from the portable electronic key in order to execute the engine starting function if the comparison result between the first ID and the registered ID is stored in memory. The compact second ID would only be compared with a compact part of the another registered ID in the system of Onuma for verification purposes to permit the execution of the engine starting function. Since the portable electronic key only transmits the *compact second ID* and the comparison is only made between the compact second ID and a compact version of the another registered ID in the system, Onuma states that this method shortens the processing time for

verification of the driver (*see* Onuma: Abstract, col. 1, lines 13-35, col. 4, lines 50-67, and col. 5, lines 17-30).

Johnson discloses an anti-theft system directed to detect unauthorized vehicle start-up when the system receives a coded frequency signal from a fob transmitted to arm/disarm the system. If the system 26 is currently armed, the control portion 28 will cause the system 26 to become disarmed, allowing the vehicle engine to be freely started. However, if the system 26 is currently disarmed, receipt of the *valid* coded signal will cause the control portion 28 to arm the system, and prevent the engine from remaining running if a vehicle start-up is detected (Johnson, Abstract, col. 5, line 53 to col. 6, line 12).

If the method disclosed in Onuma was incorporated in Johnson as the Examiner alleges, the proposed modification would change the principle of operation disclosed by Johnson. The anti-theft system of Johnson, as discussed above, begins its operation to arm/disarm *the engine operation* upon activation of a push button switch 64 on the fob transmitter 60 which generates a signal to the anti-theft system. Implementing Onuma's operations would require the fob transmitter 60 to transmit *two* signals, wherein the first signal would be a complete signal to lock/unlock the doors, and the second signal would be a *compact* signal to execute the engine starting function. The configuration of the anti-theft system in Johnson would not be compatible with this implementation, since there is no device in Johnson's system to verify whether the *compact* signal is *valid* or not. In §2143.01.VI of the MPEP, it states that if the proposed modification or combination of the prior art *would change the principle of operation* of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In *re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Here, since the principle of operation of Johnson's anti-theft system would be changed if Onuma's teachings were incorporated therein, the Examiner does not present a prima facie case of obviousness.

Furthermore, even if a skilled artisan would combine the teachings of Johnson and Onuma as the Examiner alleges, the resulting security system would not disclose all the features of claim 1 in as complete detail as set forth in the claim. As discussed earlier, the combined system would require the fob transmitter 60 of Johnson to transmit two *separate* unique IDs in order to verify whether or not an engine starting function should be executed. In claim 1, a portable transmitter transmits a first ID code to an activation unit such that a locked state of a vehicle operation device is released, and the *activation unit* then sends a signal to the engine operation restraining unit which disables an engine operation based on the signal *from the activation unit*. Therefore, since two *separate* IDs would be transmitted from the fob transmitter 60 of Johnson, the combination of Johnson and Onuma does not disclose, teach, or suggest the above-noted features of claim 1.

As such, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103(a) rejection.

Claims 2-3

Since claims 2-3 depend upon claim 1 which has been shown to contain patentable subject matter above, Applicants respectfully submit claims 2-3 are patentable *at least* by virtue of its dependency.

Claim 4

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Onuma and further in view of U.S. Patent No. 6,275,141 to Walter (hereinafter "Walter").

Since claim 4 depends upon claim 1, and since Walter does not cure the deficient teachings of Johnson and Onuma with respect to claim 1, Applicants respectfully submit claim 4 is patentable *at least* by virtue of its dependency.

Claims 5-6

Since claims 5-6 depend upon claim 1 which has been shown to contain patentable subject matter above, Applicants respectfully submit claims 5-6 are patentable *at least* by virtue of its dependency.

Claim 7

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Onuma, and further in view of U.S. Patent No. 5,760,680 to Hwang (hereinafter "Hwang"). Since claim 7 depends upon claim 1, and since Hwang does not cure the deficient teachings of Johnson and Onuma with respect to claim 1, Applicants respectfully submit claim 7 is patentable *at least* by virtue of its dependency.

Claims 8-11

Since claims 8-11 depend upon claim 1 which has been shown to contain patentable subject matter above, Applicants respectfully submit claims 8-11 are patentable *at least* by virtue of its dependency.

Claims 12-14

Claim 12 recites features analogous to those given above with respect to claim 1, i.e., claim 12 recites a method for preventing a burglary in a vehicle comprising, *inter alia*, collating the first ID received by the receiver with a prestored second ID code prestored in the receiver, such that a locked state of a vehicle operation device for the vehicle is released when the receiver receives the first ID code; and *disabling an engine operation based on a signal representing a*

result of the collation, wherein the signal representing the result is sent *after the vehicle operation device has been released in response to the received first ID code*. Therefore, claim 12 is patentable for *at least* reasons similar to those given above with respect to claim 12.

Since claims 13-14 depend upon claim 12 which has been shown to contain patentable subject matter above, Applicants respectfully submit claims 13-14 are patentable *at least* by virtue of its dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

/Nataliya Dvorson/
Nataliya Dvorson
Registration No. 56,616

Date: May 22, 2007